

By: West

S.B. No. 170

A BILL TO BE ENTITLED

AN ACT

relating to building code standards for new residential construction in the unincorporated area of a county.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 233.152, Local Government Code, is amended to read as follows:

Sec. 233.152. APPLICABILITY. (a) Except as provided by Subsection (b), this ~~[This]~~ subchapter applies only to new residential construction in a county that has adopted a resolution or order requiring the application of the provisions of this subchapter and that:

(1) is located within 50 miles of an international border; or

(2) has a population of more than 100.

(b) This subchapter does not apply to new residential construction if:

(1) the property on which the new residential construction is located is appraised for ad valorem tax purposes as land for agricultural use or open-space land under Subchapter C or D, Chapter 23, Tax Code;

(2) the new residential construction will not be located within 1,000 feet of a platted subdivision;

(3) the new residential construction is intended to be used as the primary residence of an individual who is the builder

1 of, or acts as the general contractor for, the construction; and

2 (4) the new residential construction is:

3 (A) the first residential construction, as
4 described by Section 233.151(a)(1), to be built on the property; or

5 (B) an addition to an existing single-family
6 house or duplex, as described by Section 233.151(a)(2).

7 SECTION 2. Subchapter F, Chapter 233, Local Government
8 Code, is amended by adding Section 233.1546 to read as follows:

9 Sec. 233.1546. CERTIFICATION OF COMPLIANCE; CONNECTION OF
10 UTILITIES. (a) A county may require the issuance of a certificate
11 of compliance as a precondition to obtaining utility services as
12 provided by this section.

13 (b) The county shall, not later than the fifth business day
14 after the date a request is received under this subsection, issue
15 the requesting party a written certificate of compliance if:

16 (1) the county receives a written request from a
17 person who builds new residential construction subject to this
18 section, the person for whom the new residential construction is
19 built, or an entity that provides utility service; and

20 (2) the requesting party demonstrates that the new
21 residential construction has complied with all requirements
22 applicable under this subchapter.

23 (c) An electric, gas, water, or sewer service utility may
24 not permanently serve or connect new residential construction
25 subject to this section with electricity, gas, water, sewer, or
26 other utility service unless the utility receives a certificate
27 issued by the county that states that compliance with all

1 requirements applicable under this subchapter was demonstrated as
2 provided by Subsection (b).

3 (d) Subsection (c) does not prevent the temporary use or
4 connection of utilities necessary to complete new residential
5 construction, including temporary use or connection of utilities to
6 pass an inspection under this subchapter.

7 SECTION 3. The changes in law made by this Act apply only to
8 new residential construction that commences on or after the
9 effective date of this Act, except that if the county requires
10 notice under Section 233.154(b), Local Government Code, this Act
11 applies only to new residential construction for which notice was
12 given on or after the effective date of this Act.

13 SECTION 4. This Act takes effect September 1, 2013.